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APPLICATION N	Ю.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/636,112		08/07/2003	Malcolm David Dick Lambert	DP-303841	1579
22851	7590	04/20/2005		EXAMINER	
DELPHI	TECHN	OLOGIES, INC.		KIM, CHRIS	STOPHER S
M/C 480- PO BOX				ART UNIT	PAPER NUMBER
TROY, MI 48007			•	3752	
				DATE MAILED: 04/20/200	5

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.   Application No.   Application No.   Application No.   10636,112   LAMBERT ET AL   LAMBERT ET				$\Theta$				
Examiner			Application No.	Applicant(s)				
Christopher S, Kim 3752  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ½ MONTH(S) FROM THE MAILING DATE of this communication appears on the cover sheet with the correspondence address  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ½ MONTH(S) FROM THE MAILING DATE of THIS COMMUNICATION.  Eatherwork centurity be another under the previous of 37 CPR 1.1366, in no event, however, may a reply be timely filed cannot be considered timely.  Ethe period for reply specified above is less than thing (00) (apy, a, reply without the statutedy minimum of thing (00) Month 11 or the replication of the reply specified above is less than thing (00) (apy, a, reply without the statutedy minimum of thing (00) Month 11 or the realing date of this communication. Period with a reply to the reply is specified above is less than thing (00) (apy, a, reply without the statutedy minimum of thing (00) Month 11 or reply is period down, the marking and another period with a reply to the marking date of this communication. Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any search period for the marking date of this communication. Any reply received by the Office later than the mailing date of this communication, even if timely filed, may reduce any search period of the marking date of this communication. This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 16-38 is/are pending in the application application of the above claim(s) is/are edited.  5) Claim(s) is/are allowed.  6) Claim(s) is/are allowed.  6) Claim(s) is/are allowed.  7) Claim(s) is/are objected to by the Examiner.  10) The drawing(s) filed on is/are objected to by the Examiner.  10) The drawing(s) filed on is/are objected t				LAMBERT ET AL.				
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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  • Camelouns of time may be available under the provisions of 37 CFR 1.136(d.). In no event, however, may a reply be timely filed  • If the period for reply specified above, the maximum statutory period will apply and will expire SX (5) MONTH its from the realing date of this communication.  • Palmot no reply specified above, the maximum statutory period will apply and will expire SX (5) MONTH its from the realing date of this communication.  • Palmot no reply specified above, the maximum statutory period will apply and will expire SX (5) MONTH its from the realing date of this communication.  • Palmot no reply specified above, the maximum statutory period will apply and will expire SX (6) MONTH its from the realing date of this communication, even 45 ments (5) U.S.C. § 13.09.  • Status  1)  Responsive to communication(s) filed on 25 September 2003.  2a)  This action is FINAL.  2b)  This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s)  16-38 is/are pending in the application.  4a) Of the above claim(s)  is/are withdrawn from consideration.  5)  Claim(s)  is/are allowed.  5)  Claim(s)  is/are rejected.  7)  Claim(s)  is/are rejected to.  8)  Claim(s)  16-39 are subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner.  10)  The drawing(s) filed on  is/are: a) accepted or b) objected to by the Examiner.  Application Papers  9)  The drawing(s) filed on  is/are: a) accepted or b) objected to by the Examiner.  Application Papers  9)  The drawing(s) filed on  is/are: a) accepted or b) objected to by the Examiner.  10) The drawing(s) filed on  is/are: a) accepted or b) objected to by the Examiner.  10) The drawing of the priorit								
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Art Unit: 3752

## **DETAILED ACTION**

## Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - Claims 16-22 and 24-36, drawn to an injection nozzle, classified in class 239, subclass 533.2.
  - II. Claims 23, 37 and 38, drawn to a method of assembling an injection nozzle, classified in class 29, subclass 890.142.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product as claimed can be made by another and materially different process which does not require drilling or providing a shielding.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 4. Applicant is required to present claim 23 in independent form.
- 5. This application contains claims directed to the following patentably distinct species of the claimed invention: Species A, Figure 1; Species B, figure 2; Species C,

figure 3; Species D, page 9, lines 8-17; Species E, page 9, lines 22-30; Species E, page 10, lines 3-14.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim appears to be generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

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6. Applicant is advised that the reply to this requirement to be complete must

include an election of the invention to be examined even though the requirement be

traversed (37 CFR 1.143).

7. Applicant is reminded that upon the cancellation of claims to a non-elected

invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one

or more of the currently named inventors is no longer an inventor of at least one claim

remaining in the application. Any amendment of inventorship must be accompanied by

a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Christopher S. Kim whose telephone number is (571)

272-4905. The examiner can normally be reached on Monday - Thursday, 6:30 AM -

5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Dave Scherbel can be reached on (571) 272-4919. The fax phone numbers

for the organization where this application or proceeding is assigned are (703) 872-9306

for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (571) 272-

3750.

Christopher S. Kim

Primary Examiner

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April 18, 2005